

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 792
IMPUTATION (REPEALED)

Section	
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AUTHORITY: Implementing Section 13-505.1 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/13-505.1 and 10-101].

SOURCE: Adopted at 18 Ill. Reg. 1919, effective February 1, 1994; amended at 26 Ill. Reg. 18269, effective December 15, 2002; repealed at 34 Ill. Reg. _____, effective _____.

Section 792.10 Carriers Subject to Imputation Rules

This Part applies to any telecommunications carrier (carrier) providing both competitive and noncompetitive telecommunications services, as specified in Section 13-505.1 of the Public Utilities Act (Act) [220 ILCS 5/13-505.1], except those carriers that are specifically exempted in Section 13-504(b) of the Act.

Section 792.20 Services Subject to Imputation

A telecommunications service ("service"), as defined in Section 13-203 of the Act, is subject to imputation if it meets the description of subject services in Section 13-505.1 of the Act.

Section 792.30 When an Imputation Test Must Be Filed

- a) Initial tests. Except as provided in subsection (b), in the event a new telecommunications carrier subject to this Part purchases assets of an existing telecommunications carrier, otherwise assumes ownership of one or more exchanges, or engages in a transaction that causes the carrier or services to become subject to Section 13-505.1 of the Act, that new carrier shall file, with the Illinois Commerce Commission (Commission), initial imputation tests or an adoption of the imputation tests of the former carrier within 180 days after the consummation of the transaction. Along with the initial imputation tests or adoption of imputation tests, the new carrier shall file with the Commission a List of Services as provided in subsection

(e). Subsequent to the filing of initial imputation tests or adoption, the new subject carrier shall file subsequent tests and biennial tests in accordance with the requirements of subsections (c) and (e).

- b) Exceptions for filing initial test. In the event that the Commission has previously determined, or is currently evaluating, in a docketed proceeding, whether all services that are subject to the requirements of Section 13-505.1 of the Act satisfy the statutory imputation requirements, a carrier will not be required to make the filings otherwise required by subsection (a), except as required in connection with the docketed proceeding. To qualify for the exception in this subsection, a carrier must file a certification that all subject services were evaluated, or are currently being evaluated, for compliance with Section 13-505.1 of the Act in a docketed proceeding. The certification shall be signed by an officer of the carrier, shall state that the filing is made pursuant to Part 792, and shall identify the docket in which compliance with Section 13-505.1 was previously or is currently being evaluated. This certification shall be filed with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division.
- c) Subsequent tests. In addition to any other requirement in this Part 792, an imputation test must be filed whenever a new service is subject to Section 13-505.1 of the Act or an existing service becomes subject to Section 13-505.1 of the Act. Circumstances under which the tests shall be filed include, but are not limited to, the following:
 - 1) When any tariff is filed reclassifying a noncompetitive service as a competitive service that is subject to imputation;
 - 2) When any tariff is filed that reduces rates for a service that is subject to imputation under Section 13-505.1 of the Act; and
 - 3) When any tariff is filed that increases rates for a noncompetitive service or a noncompetitive service element, or its functional equivalent, which is utilized in providing a service subject to imputation.
- d) Filings made pursuant to subsections (a) and (c) shall be made in the form of either a tariff filing pursuant to Section 9-201 of the Act [220 ILCS 5/9-201] or a petition filed pursuant to 83 Ill. Adm. Code 200. In the event the tests become the subject of a proceeding as a result of the suspension of the tariffs pursuant to Section 9-201 of the Act or by the filing of a petition, the Commission shall issue an order within 120 days determining whether the imputation test for each subject service and the result of the test satisfy the requirements of Section 13-505.1 of the Act. The 120-day requirement, if applicable, may be extended by agreement of all parties to

the proceeding. Any filing made pursuant to subsections (a) and (c) shall be made with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division.

- e) Biennial tests. Except as provided in subsection (f), beginning on February 1, 2003 and biennially thereafter in odd numbered years on February 1, a subject carrier shall file with the Commission an imputation test for each service for which an imputation test is required and a list of services (List of Services). This List of Services shall identify all services provided by the carrier and shall specifically identify those services that are subject to the requirements of Section 13-505.1 of the Act. Marked-up tariff indexes and pages may be filed as an alternative to the List of Services. Any filing made pursuant to this subsection shall be made with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division.
- f) Certification in lieu of filing biennial imputation test. The requirement for filing biennial imputation tests will be deemed to be satisfied if the carrier files with the Commission, on or before the date the biennial imputation test is due, a certification in accordance with the requirements of this subsection. The certification shall be signed by an officer of the carrier and shall certify that:
 - 1) any imputation test including supporting documentation, if filed, would be identical to a previously filed imputation test including supporting documentation; and
 - 2) the Commission is entitled to rely upon the previously filed imputation test including supporting documentation as the carrier's filing for the biennial test year in question.

Any certification filed pursuant to this subsection shall identify when each imputation test that is the subject of the certification was filed. Any certification filing made pursuant to this subsection shall be made with the Chief Clerk of the Commission with a copy provided to the Director of the Commission's Telecommunications Division. At the request of Staff, the carrier filing such a certification shall provide to Staff, promptly after Staff's request, a copy of the previously filed imputation test identified in the certification. The certification described in this subsection does not excuse the filing of the List of Services or marked-up tariff indexes and pages.

- g) Whenever the List of Services on file with the Commission becomes inaccurate for any reason, a revised List of Services shall be filed with the Director of the Telecommunications Division and the Chief Clerk of the Commission within 30 days after the event causing the list to become

inaccurate occurs. A carrier may satisfy the requirement to file a revised list by filing amendatory pages, which replace only individual pages of its existing list that are inaccurate, without replacing the entire List of Services.

Section 792.40 Minimum Filing Requirements for an Imputation Test

- a) Any imputation test filed with the Commission pursuant to Section 792.30(a), (c) or (e) shall include the following:
 - 1) For each service subject to imputation, a list of noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;
 - 2) For each service subject to imputation, an illustration or diagram and a written description of the service, specifically identifying the noncompetitive services and noncompetitive service elements, or their functional equivalent, and the competitive services and competitive service elements that are utilized to provide the service. Both proprietary and non-proprietary versions of these documents shall be provided;
 - 3) For each service subject to imputation, a description of the underlying methods, assumptions, mathematical formulas, and level of disaggregation of data that will be used in performing the imputation test. The underlying methods, assumptions, mathematical formulas, and level of disaggregation of data used in an imputation test shall be consistent with Section 13-505.1 of the Act, where the imputed costs of a service are defined as the sum of the following:
 - A) *Specifically tariffed premium rates for the noncompetitive services or noncompetitive service elements, or their functional equivalent, that are utilized to provide the service;*
 - B) *The long-run service incremental costs of facilities and functionalities that are utilized but not specifically tariffed; and*
 - C) *Any other identifiable, long-run service incremental costs associated with the provision of the service (Section 13-505.1 of the Act); and*
 - 4) The results of the imputation test.

- b) Any imputation test filed in compliance with subsection (a)(3) shall comply with the requirements for long-run service incremental cost studies in 83 Ill. Adm. Code 791.

Section 792.50 Proprietary Treatment

Any numerical data and results contained in the imputation test and any subsequent revisions shall be accorded proprietary treatment under the Commission's Rules of Practice (83 Ill. Adm. Code 200). Interested parties may have the right to obtain copies of any service imputation cost test methodology and diagram filed pursuant to Section 792.40(a)(2), but only to the extent that the methodology or diagram is not required to be accorded proprietary treatment in accordance with this Section.

Section 792.60 Identification of Filings

All filings made with the Chief Clerk of the Commission pursuant to Section 792.30 and Section 792.40 shall indicate that the filing is made pursuant to Part 792.